1 THE HONORABLE THOMAS S. ZILLY 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE 7 Andrew Hedden, Robert Barnes, KL Shannon, Dr.) Case No.: 2:05 999 TSZ 8 John Bucher, Christopher Konkel, Terry Batterson,) DECLARATION OF PAUL RICHMOND IN 9 SUPPORT OF et al. REQUEST TO SEVER CASE OF THE LATE 10 TERRY BATTERSON, AND TO GRANT AN Plaintiffs, EXTENSION TO ALLOW APPOINTMENT OF A 11 PERSONAL REPRESENTATIVE, AND TO ALLOW COUNSEL RICHMOND TO WITHDRAW 12 VS. FROM THIS CASE FOR THIS PLAINTIFF. City of Seattle, et al, 13 **Defendants** NOTED FOR FRIDAY DECEMBER 15, 2006 14 15 Paul Richmond swears as follows: 16 I am over eighteen years old, a resident of Seattle Washington and Competent to 17 1) testify in this matter. 18 2) I am counsel for Plaintiffs in this matter. 19 3) Mr. Batterson, a Plaintiff, is recently deceased. 20 4) There is reasonable question as to whether Mr. Batterson's death was a suicide. 21 5) There is reasonable question as to whether that suicide was a result of what happened 22 on June 5, 2006. 23 6) The underlying circumstances in the case involving the late Mr. Batterson are 24 25 substantially different from those of the remaining plaintiffs.

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1	7)	The most substantial harms that occurred to Mr. Terry Batterson occurred three days
2		later than those of the other Plaintiffs at a smaller demonstration.
3	8)	The events that occurred to Mr. Batterson are described in the original Complaint filed
4		as Dkt.1, and Dkt. 2 at 1.18, 3.114, and 3.135.
5	9)	As is captured in a videotape Batterson took, he was videotaping a young
6		demonstrator walking in front of a line of police guarding the Red Lion Inn.
7	10)	In this videotape, several officers tackled and arrested this demonstrator.
8	11)	Batterson, still videotaping, begins shouting at these officers.
9	12)	Several of these officers, tackle and arrest Batterson.
10	13)	A copy of this is attached as Exhibit 1,DVD taken by Mr. Batterson, previously
11		provided as DVD 2, Disclosure of June 11. 2006, at the start of clip two. This has been
12		sent to the Court under separate cover.
13	14)	This videotape is the complete copy of Mr. Batterson's videotape of those days' events
14		possessed by Counsel Richmond.
15	15)	Batterson contacted me in the Spring of 2006, and indicated that he wanted to be
16		removed from this case.
17	16)	When the amended complaint was filed, Batterson was per his instructions, removed
18		as a Plaintiff.
19	17)	On or about late October Counsel I received information from friends of Mr. Batterson,
20		that Mr. had died and that Mr. Batteron's death was a suicide.
21	18)	In addition I received information that the late Mr. Batterson's suicide was linked to
22		events surrounding his arrest on June 5, 2003.
23	19)	I have confirmed Mr. Batterson's death through the Social Security Death Registry.
24	20)	While I cannot say this is true conclusively that Mr. Batterson's death was a suicide,
25		and I am limited by rules of confidentiality, this is certainly plausible that he committed
		suicide.
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1	21)	Additionally, it is plausible that when Mr. Batterson communicated his desire to end his
2		involvement in this case, Mr. Batterson was in an a suicidal state of mind and almost
3		certainly in a state of mental distress.
4	22)	After consulting with Ethics Counsel, I was advised that the decision as to whether a
5		cause of action remained is one best left to a Personal Representative of the
6		Deceased's Estate.
7	23)	I have checked with the King County Clerk's Office and at present no representative is
8		known to exist.
9	24)	King County, is the deceased's last county of residence.
10	25)	I believe in good faith that would make it difficult for me to represent the deceased Mr.
11		Batterson effectively.
12	26)	I consulted with opposing counsel and attempted to see if a stipulated motion could be
13		worked out with Defendants' Counsel, before filing this motion.
14	l swear th	ne above is true and based upon my personal knowledge and/or reasonable belief, so
sworn this 6 th day of December, 2006.		
16		/s/ Paul Richmond
17		Paul Richmond, WSBA 32306 Law Office of Paul Richmond
18		600 1st Avenue, Suite 331 Seattle, WA, 98104
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1	CERTIFICATE OF SERVICE			
2	I hereby certify that on December 6 th 2006 I caused the attached documents			
3	COUNSEL'S REQUEST TO SEVER PLAINTIFF TERRY BATTERSON AND APPOINT A PERSONAL			
4	REPRESENTATIVE, DECLARATION OF PAUL RICHMOND, PROPOSED ORDER			
5	to be filed through the Court's ECF filing system which will send notice to the following:			
6	Ted Buck, Associated Counsel tbuck@staffordfrey.com Raul Martinez, rmartinez@staffordfrey.com			
7	Darrin Bailey, dbailey@staffordfrey.com Tobin Dale, tdale@staffordfrey.com Counsel for City Defendants, Stafford Frey Cooper			
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10	/s/ Paul Richmond, through ECF Paul Richmond			
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